

1999 DRAFTING REQUEST

Senate Amendment (SA-SSA(LRBs0372/1)-SB125)

Received: **03/14/2000**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Joanne Huelsman (608) 266-2635**

By/Representing: **Pat**

This file may be shown to any legislator: **NO**

Drafter: **nelsorp1**

May Contact:

Alt. Drafters:

Subject: **Drunk Driving - alcohol level
Drunk Driving - penalties**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Remove absolute sob.

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	nelsorp1 03/14/2000	gilfokm 03/14/2000	hhagen 03/14/2000	_____	lrb_docadmin 03/14/2000	lrb_docadmin 03/14/2000	

FE Sent For:

<END>

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/1	nelsorp1	1-3-14 Kmf	nh 3/14	nh/ch 3/14			

FE Sent For:

<END>

Nilsen, Paul

From: Sobocinski, Ray
Sent: Tuesday, March 14, 2000 10:27 AM
To: Nilsen, Paul
Subject: Amendments to the sub on SB 125

Importance: High
Sensitivity: Confidential

be cPaul,

As I mentioned to you, the following is a list of amendments of the sub to SB 125 Sen. Huelsman would like drafted for the floor today. As we discussed the requests are listed in order of priority.

1) Absolute Sobriety for Repeat Offenders (Creating new offense)

Specifically, the new penalty created in the sub to SB 125 needs to be eliminated, and the language from AB 221 be restored. (The language that states the new offense would only be enforced as a secondary offense and would not count as an additional OWI offense on the person's record.)

X

2) Counting Provisions (Counting Prior Activities)

Eliminate the provision from the sub to SB 125.

3) Ignition Interlock Device (IID)

Revert to AB 221 language.

4) BAC Penalties for Repeat Offenders

Revert to AB 221 language.

50372/1 - George bill
50405 - Panzer
same as 50403

Ray Sobocinski
Office of Senator Joanne B. Huelsman
State Capitol - Room 5 South
Post Office Box 7882
Madison, WI 53707-7882
608-266-2635



3/14 now
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBa1800/1

RPN...:....
img

**SENATE AMENDMENT ,
TO SENATE SUBSTITUTE AMENDMENT (LRBs0372/1),
TO 1999 SENATE BILL 125**

At the locations indicated, amend the substitute amendment as follows:

- ✓ 1. Page 4, line 4: delete lines 4 to 14.
- ✓ 2. Page 8, line 23: after that line insert: (insert 8-23)
- ✓ 3. Page 9, line 15: delete lines 15 to 18.
- ✓ 4. Page 10, line 14: delete lines 14 to 22.
- ✓ 5. Page 11, line 6: delete lines 6 to 16.
- ✓ 6. Page 13, line 18: delete the material beginning with that line and ending with page 17, line 3.
- ✓ 7. Page 17, line 11: delete lines 11 to 22.
- ✓ 8. Page 28, line 18: delete the material beginning with that line and ending with page 29, line 20.

#. Page 31, line 6: delete lines 6 to 15.

17

9. Page 31, line 6: delete the material beginning with that line and ending with page 32, line 11.

10. Page 31, line 6: delete lines ?? to ??.

11. Page 36, line 23: delete the material beginning with "110.07 (3)," and ending with page 37, line 3, and substitute: "340.01 (46m) (b) and (c), 343.23 (2) (b), 343.30 (1q) (b) 3., 343.305 (10) (b) 3. and 5., 343.307 (4), 343.31 (3) (insert 36-23)".

12. Page 37, line 10: delete "and (b)".

13. Page 38, line 7: delete "and (b)".

(END)

"(1p) of the statutes" on
"first apply" on

344.03
(am) (4)
344.06
(am)
344.03 (4)
344.03 (4)
(am)
(4)

1
2
3
4
5
6
7
8
9

Insert 8-23

1 SECTION 14. 303.08 (1) (cg) of the statutes is created to read:

2 303.08 (1) (cg) Attendance at an assessment ordered by a court under s. 343.30
3 (1q) (c);

4 SECTION 15. 303.08 (1) (cm) of the statutes is created to read:

5 303.08 (1) (cm) Attendance at a treatment program required by a driver safety
6 plan under s. 343.30 (1q) (c);

7 SECTION 16. 303.08 (10m) of the statutes is created to read:

8 303.08 (10m) The sheriff may not permit a prisoner who is imprisoned for a
9 violation of s. 346.63 (1), (2), (5) or (6) to leave the jail under sub. (1) if the prisoner
10 fails to obtain the assessment or to comply with the driver safety plan ordered under
11 s. 343.30 (1q) (c). This subsection does not apply if the prisoner does not have
12 sufficient funds to make any payments necessary to obtain the assessment or to
13 comply with the driver safety plan.

14 SECTION 16. 340.01 (46m) (b) of the statutes is amended to read:

15 340.01 (46m) (b) If the person has 2 or more prior convictions, suspensions or
16 revocations, as counted under s. 343.307 (1), an alcohol concentration of 0.08 or more.

17 SECTION 16. 340.01 (46m) (c) of the statutes is created to read:

18 340.01 (46m) (c) If the person has 3 or more prior convictions, suspensions or
19 revocations, as counted under s. 343.307 (1), an alcohol concentration of more than
20 0.02.

21 SECTION 19. 342.12 (4) (a) of the statutes is amended to read:

22 342.12 (4) (a) The district attorney shall notify the department when he or she
23 files a criminal complaint against a person who has been arrested for violating s.
24 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions,
25 suspensions or revocations, as counted under s. 343.307 (1). Except as provided

✓
Insert 8-23

Insert 36-23

1 (bm) 3. and 5., 346.63 (2m), 346.65 (2) (b), (c), (d), (e) and (g), (2c), (2e), (2g) (a), (ag),
2 (b) and (c), (2j) (b) and (2w), 346.657, 349.03 (2m) and (4), 349.06 (1m) and 885.235
3 (1m) and (4) of the statutes and the renumbering of section 343.30 (1p) of the statutes

4 first apply to violations committed or refusals occurring on the effective date of this
5 subsection, but does not preclude the counting of other convictions, suspensions or
6 revocations as prior convictions, suspensions or revocations for purposes of
7 administrative action by the department of transportation, sentencing by a court or
8 determining the prohibited alcohol concentration.

9 (3) IGNITION INTERLOCK AND IMMOBILIZATION. The treatment of sections 343.10
10 (5) (a) 3. and (b), 343.301, 343.305 (10m), 346.65 (6) (a) 1., 2., 2m. and 3., (b) and (d),
11 347.413 (1) and (2), 347.417 (1) and (2), 940.09 (1d) (a) and 940.25 (1d) (a) of the
12 statutes and the renumbering of sections 940.09 (1d) and 940.25 (1d) of the statutes
13 first apply to violations committed or refusals occurring on the effective date of this
14 subsection, but does not preclude the counting of other convictions, suspensions or
15 revocations as prior convictions, suspensions or revocations for purposes of
16 administrative action by the department of transportation or sentencing by a court.

17 (4) INTOXICATED DRIVER IMPROVEMENT SURCHARGE. The treatment of sections
18 20.395 (5) (ek), 20.435 (6) (hx) and 346.655 (1) and (2) (a) and (b) of the statutes first
19 applies to intoxicated driver improvement surcharges imposed for violations
20 committed on the effective date of this subsection.

21 (5) MUNICIPAL COURT APPEARANCE AND SEIZURE OF MOTOR VEHICLE. The treatment
22 of sections 346.65 (6) (c) and 800.03 (4) of the statutes first applies to violations
23 committed or refusals occurring on the effective date of this subsection, but does not
24 preclude the counting of other convictions, suspensions or revocations as prior

first applies